



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kenneth G. Flugaur et al.
Serial No.: 09/460,638
Title: CHANNEL SLEEVE, IMPROVED PLASMA PROCESSING
CHAMBER CONTAINING CHANNEL SLEEVES, AND
METHODS OF MAKING AND USING THE SAME
Filed: December 14, 1999
Attorney Docket No.: 0325.00324
Examiner: Zervigon, R.
Art Unit: 1763

CERTIFICATE OF MAILING

I hereby certify that this letter, the response or amendment attached hereto are being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 9, 2006.

By: Mary Donna Berkley
Mary Donna Berkley

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal by an attorney either of record or acting under 37 CFR 1.34.

REMARKS

Review is requested for the following reasons:

1. The limitation of "a lower section having a shape and dimensions approximately the same as a corresponding shape and dimensions of the aperture, where the lower section is configured to fit securely into the aperture," which is either expressly recited or implicitly incorporated in independent claims 1-6, 8 and 9, is not met by the references (see argument presented on page 10, line 17 through page 14, line 8 of the Amendment After Final filed October 10, 2006, which is herein incorporated by reference).

2. The limitation of "wherein said channel sleeve applies a predetermined amount of pressure against an inner wall of said aperture," as recited in claim 13, is not met by the references (see argument presented on page 14, lines 9-31 of the Amendment After Final filed October 10, 2006, which is herein incorporated by reference).

3. The limitation of "wherein said first length is greater than a length of said aperture," as recited in claim 15, is not met by the references (see arguments presented on page 14, last line through page 16, line 4 of the Amendment After Final filed October 10, 2006, which are herein incorporated by reference).

4. The Examiner fails to show proper motivation for making the asserted modifications in the obviousness rejections

under 35 U.S.C. §103 (see arguments presented on page 13, line 7 through page 14, line 8 and on page 15, line 18 through page 16, line 4 of the Amendment After Final filed October 10, 2006, which are herein incorporated by reference).

Specifically, neither Foster nor Ishikawa provide the motivation or suggestion for modifying the isolator sleeve 271 of Foster to have the shape and dimensions approximately the same as the shape and dimensions of the space within the cylinder 238. In particular, modification of the isolator sleeve 271 to have the shape and dimensions approximately the same as the shape and dimensions of the space within the cylinder 238 would prevent the inclusion of the plurality of gas halos or rings 262 and 264 within the space between the wall of the cylinder 238 and the isolator sleeve 271, which "introduce the **necessary** plasma and reactant gases into cylinder 238." Since the plurality of gas halos or rings 262 and 264, which introduce the **necessary** plasma and reactant gases into cylinder 238, would be eliminated within the space between the wall of the cylinder 238 and the isolator sleeve 271, such a modification would appear (i) to change the principle of operation of Foster and (ii) to render the space within the cylinder 238 of Foster unsuitable for its intended purpose. If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (MPEP §2143.01(V)). If the proposed modification or combination of the prior art would change the principle of operation of the prior art

invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious (MPEP §2143.01(VI)). As such, the rejection does not appear to be sustainable and the rejection should be withdrawn.

Furthermore, neither Foster nor Ishikawa appear to provide the motivation or suggestion for modifying the isolator sleeve 271 of Foster to have **said first length is greater than a length of said aperture**, as presently claimed. Specifically, modification of the isolator sleeve 271 of Foster to have a length that is greater than the length of the space within the cylinder 238 would displace and disconnect the showerhead/electrode 222 from the cylinder 238. Such a modification would appear (i) to change the principle of operation of Foster and/or (ii) to render the showerhead/electrode 222 of Foster unsatisfactory for its intended purpose. If a proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification (MPEP §2143.01(V)). As such, the rejection of claim 15 does not appear to be sustainable and the rejection should be withdrawn.

Applicants' representative believes that clear errors in the Examiner's rejection(s) exist or the Examiner has omitted one or more essential elements needed for a *prima facie* rejection. For example, (i) a limitation is not met by a reference or (ii) the

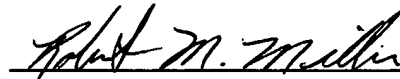
Examiner failed to show proper motivation for making a modification in an obviousness rejection under 35 U.S.C. §103.

The Examiner is respectfully invited to call the Applicants' representative should it be deemed beneficial to further advance prosecution of the application.

If any additional fees are due, please charge Deposit Account No. 12-2252.

Respectfully submitted,

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Robert M. Miller
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Dated: November 9, 2006

Docket No.: 0325.00324

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